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Attorneys for Defendants

RM Bakery Manager LLC d/b/a Leaven &
Co., Hub Truck Rental Corp. and Fernando
Hernandez

HERMANJOH M. LLORCA,

Plaintiff,

v.

FERNANDO HERNANDEZ, HUB TRUCK
RENTAL CORP., RM BAKERY MANAGER
LLC/DBA LEAVEN & CO., "JOHN DOES 1-
5" and "ABC COMPANIES 1-5" (all being
fictitious designations),

Defendants.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CIVIL ACTION NO.

CIVIL ACTION

NOTICE OF REMOVAL

Defendants RM Bakery Manager LLC d/b/a Leaven & Co., Hub Truck Rental Corp., and Fernando Hernandez hereby files this Notice of Removal of the above-captioned action to the United States District Court for the District of New Jersey, from the Superior Court of New Jersey, Law Division: Bergen County, where the action is now pending, as provided by Title 28, United States Code, Chapter 89, and state:

1. On February 11, 2021, a Complaint was filed in the Superior Court of New Jersey, Law Division: Bergen County. The caption, entitled "Llorca v. Hernandez, et al.", was assigned Docket No. BER-L-971-21 (hereinafter "State Court Action").

2. Defendant RM Bakery Manager, LLC d/b/a Leaven & Co. received a copy of the Complaint setting forth the claim for relief upon which the action is based on or about February 23, 2021. Attached hereto as **Exhibit A** is a copy of the Complaint in the State Court Action. To-date, Defendant Hub Truck Rental Corp. has not been served. Pursuant to 28 U.S.C. § 1446(a), no other pleadings or orders have been served upon Defendants.

3. This Notice of Removal is filed within thirty (30) days of service of the Complaint in the State Court Action upon Defendants. Thus, this Notice of Removal is filed in a timely manner as required by 28 U.S.C. § 1446(b).

4. Plaintiff is claiming personal injuries resulting from a March 2, 2019 motor vehicle accident. *See Exhibit A.*

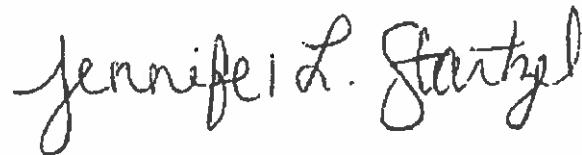
5. The State Court Action is a civil action of which the District Courts of the United States have original jurisdiction for the reason that there exists complete diversity of the parties under 28 U.S. § 1332. In support of such, Defendants state as follows: Upon information and belief, Plaintiff Llorca is a resident of New Jersey. Defendant Hernandez is a resident of New York. Defendant RM Bakery Manager, LLC d/b/a Leaven & Co. is a corporation, duly incorporated under the laws of New York with its principal place of business in New York as well. Defendant Hub Truck Rental is a corporation, duly incorporated under the laws of New York with its principal place of business in New York as well. In his Complaint, Plaintiff alleges that he suffered injuries as the result of negligence of Defendants. Plaintiff further alleges he has suffered damages. Based upon counsel's experience with claims of this nature and for the types of damages sought herein, the claimed damages in this action exceed \$75,000.00.

6. This Notice of Removal is being filed in the District of New Jersey, the District Court of the United States for the district and division within which the State Court Action is pending, as required by 28 U.S.C. §§ 1446(a) and 1441(a).

7. Attached hereto as **Exhibit B** is a copy of the Notice to Clerk of Superior Court of Filing of Notice of Removal, the original of which is being filed with the Superior Court of New Jersey, Bergen County – Law Division as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully requests that this action proceed in this Court as an action properly removed to it.

KIRMSER, LAMASTRA, CUNNINGHAM
& SKINNER
Attorneys for Defendants
RM Bakery Manager LLC d/b/a Leaven &
Co., Hub Truck Rental Corp., and Fernando
Hernandez



By: _____
Jennifer L. Startzel

Dated: March 16, 2021

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CERTIFICATION OF MAILING

I, Kimberley D. Mollo, hereby certify that:

(1) I am a secretary in the office of Kirmser, Lamastra, Cunningham & Skinner, attorneys for Defendants RM Bakery Manager LLC DBA Leaven & Co., Hub Truck Rental Corp. and Fernando Hernandez in this action.

(2) On March 16, 2021, the within Notice of Removal was electronically filed with the Clerk, United States District Court and a copy served on:

Jae E. Lee, Esq.
Jae Lee Law, P.C.
2050 Center Avenue, Suite 120
Fort Lee, NJ 07024
Attorneys for Plaintiff, Hermanjoh M. Llorca

Kimberley D. Mollo

Kimberley D. Mollo